

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**DMX ENTERPRISES, INC., et al.,**

**Plaintiffs,**

**v.**

**Civil Action 2:10-cv-992  
Judge James L. Graham  
Magistrate Judge E.A. Preston Deavers**

**UNITED STATES OF AMERICA DRUG  
ENFORCEMENT ADMINISTRATION,**

**Defendant.**

**ORDER**

This matter is before the Court for consideration of the May 23, 2011 Report and Recommendation of the United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 5.) The Magistrate Judge recommended that the Court grant dismiss this action without prejudice pursuant to Federal Rule of Civil Procedure 4(m) for failure to timely effect service of process.

The Report and Recommendation specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a “waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court.” (Report and Recommendation 2, ECF No. 5.) The time period for filing objections to the Report and Recommendation has expired. Plaintiffs have not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation. Accordingly, the Court **DISMISSES** this action **WITHOUT PREJUDICE** pursuant to Rule 4(m).

**IT IS SO ORDERED.**

S/ James L. Graham  
James L. Graham  
UNITED STATES DISTRICT COURT

Date: June 7, 2011